

## § 2.01-1

SOURCE: CGD 75-098, 40 FR 49326, Oct. 22, 1975, unless otherwise noted.

### Subpart 2.01—Purpose

#### § 2.01-1 Purpose.

The purpose of this part is to inform the public of the definitions which the Coast Guard uses to examine waters to determine whether the Coast Guard has jurisdiction on those waters under particular U.S. laws.

### Subpart 2.05—Definitions of Jurisdictional Terms

#### § 2.05-1 High seas.

(a) Except as provided in paragraphs (b) and (c) of this section, *high seas* means all waters which are neither territorial seas nor internal waters of the United States or of any foreign country.<sup>1</sup>

(b) *High seas*, as used in 18 U.S.C. 7(1), means the Great Lakes and waters seaward of the low water line along the coast, except waters within harbors or narrow coastal indentations enclosed by promontories.<sup>1</sup>

(c) *High seas*, as used in section 2 of the Act of February 19, 1895, as amended, 33 U.S.C. 151, and all laws referring

<sup>1</sup> It should be noted that under 14 U.S.C. 89 the Coast Guard is authorized to enforce the laws of the United States upon the "high seas" and waters over which the United States has jurisdiction. Certain of the criminal laws of the United States are based on its special maritime and territorial jurisdiction, one of whose components is the "high seas", as defined in paragraph (b). However, this definition of "high seas" does not apply to the use of "high seas" found in 14 U.S.C. 89, to which the definition in paragraph (a) applies. A clear distinction should be maintained between the Coast Guard's authority under 14 U.S.C. 89 and the jurisdictional base of the criminal laws which apply to the special maritime and territorial jurisdiction. For example, while assault (18 U.S.C. 113) committed seaward of the territorial sea could be committed on the "high seas" for both purposes, an assault committed within the territorial sea could be committed on the "high seas" to bring it within the special maritime and territorial jurisdiction and at the same time be committed on waters over which the United States has jurisdiction (not the "high seas") for purposes of the Coast Guard's authority to undertake enforcement action.

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thereto, means the waters seaward of the lines described in 46 CFR 7.

[CGD 75-098, 40 FR 49326, Oct. 22, 1975, as amended by CGD 96-026, 61 FR 33662, June 28, 1996; CGD 97-023, 62 FR 33361, June 19, 1997]

#### § 2.05-5 Territorial seas.

(a) With respect to the United States, *territorial seas* means the waters within the belt, 3 nautical miles wide, that is adjacent to its coast and seaward of the territorial sea baseline.

(b) With respect to any foreign country, *territorial seas* means the waters within the belt that is adjacent to its coast and whose breadth and baseline are recognized by the United States.

#### § 2.05-10 Territorial sea baseline.

*Territorial Sea Baseline* means the delimitation of the shoreward extent of the territorial seas of the United States drawn in accordance with principles, as recognized by the United States, of the Convention on the Territorial Sea and the Contiguous Zone, 15 U.S.T. 1606. Charts depicting the territorial sea baseline are available for examination in accordance with § 1.10-5(b) of this chapter.

#### § 2.05-15 Contiguous zone.

*Contiguous zone* means the belt of high seas, 9 nautical miles wide, that is adjacent to and seaward of the territorial seas of the United States and that was declared to exist in Department of State Public Notice 358 of June 1, 1972, 37 FR 11906.

#### § 2.05-20 Internal waters and inland waters.

(a) *Internal waters* and, except as provided in paragraph (b) of this section, *inland waters* mean:

(1) With respect to the United States, the waters shoreward of the territorial sea baseline.

(2) With respect to any foreign country, the waters shoreward of the baseline of its territorial sea, as recognized by the United States.

(b) *Inland waters*, as used in 33 U.S.C. Chapter 3, means the waters shoreward of the lines described in part 80 of this chapter, except the Great Lakes and their connecting and tributary waters as far east as Montreal, the waters of